

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CRYSTALLEX INTERNATIONAL CORP.,

Plaintiff,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Defendant.

Case No. 1:17-mc-00151-LPS

RICARDO DEVENGOCHEA,

Plaintiff,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Defendant.

Case No. 1:23-mc-00609-LPS

**TRANSMITTAL AFFIDAVIT OF CHRISTOPHER FITZPATRICK CANNATARO,
ESQ. IN SUPPORT OF THE BOLIVARIAN REPUBLIC OF VENEZUELA'S
OPPOSITION TO DEVENGOCHEA'S RENEWED MOTION FOR ATTACHMENT**

I, Christopher Fitzpatrick Cannataro, Esq., declare as follows:

1. I am an attorney admitted to the Bar of the State of Delaware and this Court and an associate at the law firm of Abrams & Bayliss LLP. I represent Defendant Bolivarian Republic of Venezuela (“Republic”) in the above-captioned actions and have personal knowledge of the facts set forth below.

2. I submit this transmittal affidavit in support of the Bolivarian Republic of Venezuela’s Opposition to Devengoechea’s Renewed Motion for Attachment.

3. Attached as Exhibit 1 to this transmittal affidavit is a true and correct copy of the Reply Memorandum in Support of Defendant’s Motion to Dismiss the Amended Complaint dated September 24, 2015, filed in *Devengoechea v. Bolivarian Republic of Venezuela*, Case No. 12-cv-23743-PCH/Otazo-Reyes (S.D. Fla.), D.I. 119.

4. Attached as Exhibit 2 to this transmittal affidavit is a true and correct copy of Defendant’s Response to Plaintiff’s Supplemental Brief in Opposition to Motion to Dismiss the Amended Complaint dated December 18, 2015, filed in *Devengoechea v. Bolivarian Republic of Venezuela*, Case No. 12-cv-23743-PCH/Otazo-Reyes (S.D. Fla.), D.I. 136.

5. Attached as Exhibit 3 to this transmittal affidavit is a true and correct copy of Defendant’s Objection to Report and Recommendation dated February 3, 2016, filed in *Devengoechea v. Bolivarian Republic of Venezuela*, Case No. 12-cv-23743-PCH/Otazo-Reyes (S.D. Fla.), D.I. 138.

6. Attached as Exhibit 4 to this transmittal affidavit is a true and correct copy of Defendant’s Motion to Dismiss the Second Amended Complaint and Supporting Memorandum of Law dated March 25, 2016, filed in *Devengoechea v. Bolivarian Republic of Venezuela*, Case No. 12-cv-23743-PCH/Otazo-Reyes (S.D. Fla.), D.I. 141.

7. Attached as Exhibit 5 to this transmittal affidavit is a true and correct copy of Defendant's Reply Memorandum in Support of Motion to Dismiss the Second Amended Complaint dated May 16, 2016, filed in *Devengoechea v. Bolivarian Republic of Venezuela*, Case No. 12-cv-23743-PCH/Otazo-Reyes (S.D. Fla.), D.I. 149.

8. Attached as Exhibit 6 to this transmittal affidavit is a true and correct copy of Defendant's Objection to Report and Recommendation dated July 22, 2016, filed in *Devengoechea v. Bolivarian Republic of Venezuela*, Case No. 12-cv-23743-PCH/Otazo-Reyes (S.D. Fla.), D.I. 151.

9. Attached as Exhibit 7 to this transmittal affidavit is a true and correct copy of Defendant's Motion to Dismiss for Want of Subject Matter Jurisdiction Under the FSIA and for Summary Judgment dated December 14, 2018, filed in *Devengoechea v. Bolivarian Republic of Venezuela*, Case No. 12-cv-23743 HUCK/MCALILEY (S.D. Fla.), D.I. 221.

10. Attached as Exhibit 8 to this transmittal affidavit is a true and correct copy of a Stipulated Motion for Extension of Time dated March 2, 2015, filed in *Devengoechea v. Bolivarian Republic of Venezuela*, Case No. 12-cv-23743-HUCK/OTAZO-REYES (S.D. Fla.), D.I. 82.

11. Attached as Exhibit 9 to this transmittal affidavit is a true and correct copy of a Stipulated Motion for Extension of Time dated March 23, 2015, filed in *Devengoechea v. Bolivarian Republic of Venezuela*, Case No. 12-cv-23743-HUCK/OTAZO-REYES (S.D. Fla.), D.I. 87.

12. Attached as Exhibit 10 to this transmittal affidavit is a true and correct copy of a Stipulated Motion for Extension of Time dated April 13, 2015, filed in *Devengoechea v. Bolivarian Republic of Venezuela*, Case No. 12-cv-23743-HUCK/OTAZO-REYES (S.D. Fla.), D.I. 89.

13. Attached as Exhibit 11 to this transmittal affidavit is a true and correct copy of a Stipulated Motion for Extension of Time dated April 27, 2015, filed in *Devengoechea v. Bolivarian Republic of Venezuela*, Case No. 12-cv-23743-HUCK/OTAZO-REYES (S.D. Fla.), D.I. 91.

14. Attached as Exhibit 12 to this transmittal affidavit is a true and correct copy of a Stipulated Motion for Extension of Time dated May 11, 2015, filed in *Devengoechea v. Bolivarian Republic of Venezuela*, Case No. 12-cv-23743-HUCK/OTAZO-REYES (S.D. Fla.), D.I. 94

15. Attached as Exhibit 13 to this transmittal affidavit is a true and correct copy of Plaintiff's Motion for Extension of Time to File Response to Defendant's Amended Motion to Dismiss the Complaint dated July 6, 2015, filed in *Devengoechea v. Bolivarian Republic of Venezuela*, Case No. 12-cv-23743-HUCK/OTAZO-REYES (S.D. Fla.), D.I. 103.

16. Attached as Exhibit 14 to this transmittal affidavit is a true and correct copy of Plaintiff's Agreed Motion for Extension of Time to for (1) Plaintiff to File Opposition to Defendant's Motion to Dismiss Amended Complaint and for (2) Defendant to File Reply In Support of its Dismissal Motion dated August 31, 2015, filed in *Devengoechea v. Bolivarian Republic of Venezuela*, Case No. 12-cv-23743-PCH/Otazo-Reyes (S.D. Fla.), D.I. 113.

17. Attached as Exhibit 15 to this transmittal affidavit is a true and correct copy of Plaintiff's Agreed Motion for Extension of Time to File Response to Defendant's Motion to Dismiss the Complaint dated September 10, 2015, filed in *Devengoechea v. Bolivarian Republic of Venezuela*, Case No. 12-cv-23743-HUCK/OTAZO-REYES (S.D. Fla.), D.I. 116.

18. Attached as Exhibit 16 to this transmittal affidavit is a true and correct copy of Plaintiff's Objection to Short-Notice Evidentiary Hearing on Important Merits Issues in Plaintiff's Claim without Reasonable Opportunity for Retaining Expert Witness or Conducting Merits

Discovery dated November 24, 2015, filed in *Devengoechea v. Bolivarian Republic of Venezuela*, Case No. 12-cv-23743-PCH/Otazo-Reyes (S.D. Fla.), D.I. 124.

19. Attached as Exhibit 17 to this transmittal affidavit is a true and correct copy of Plaintiff's Agreed Motion for Extension of Time to File Opposition to Defendant's Motion to Dismiss Second Amended Complaint dated April 11, 2016, filed in *Devengoechea v. Bolivarian Republic of Venezuela*, Case No. 12-cv-23743-PCH/Otazo-Reyes (S.D. Fla.), D.I. 143.

20. Attached as Exhibit 18 to this transmittal affidavit is a true and correct copy of Plaintiff's Agreed Motion for Second and Final Extension of Time to File Opposition to Defendant's Motion to Dismiss Second Amended Complaint dated April 25, 2016, filed in *Devengoechea v. Bolivarian Republic of Venezuela*, Case No. 12-cv-23743-PCH/Otazo-Reyes (S.D. Fla.), D.I. 145.

21. Attached as Exhibit 19 to this transmittal affidavit is a true and correct copy of Plaintiff's Agreed Motion for Extension of Time to File Opposition to Defendant's Objections to Report and Recommendation dated August 7, 2016, filed in *Devengoechea v. Bolivarian Republic of Venezuela*, Case No. 12-cv-23743-PCH/Otazo-Reyes (S.D. Fla.), D.I. 152.

22. Attached as Exhibit 20 to this transmittal affidavit is a true and correct copy of Plaintiff's One-Time Motion for One-Week Extension of Time to Designate His Expert Witness on Venezuelan Law, in Light of Extended Discovery Discussions between The Parties dated October 12, 2018, filed in *Devengoechea v. Bolivarian Republic of Venezuela*, Case No. 12-23743-CIV-HUCK/McALILEY (S.D. Fla.), D.I. 197.

23. Attached as Exhibit 21 to this transmittal affidavit is a true and correct copy of Plaintiff's Agreed Motion for 4-Day Extension of Fact Discovery Cutoff dated November 8, 2018,

filed in *Devengoechea v. Bolivarian Republic of Venezuela*, Case No. 12-23743-CIV-HUCK/McALILEY (S.D. Fla.), D.I. 213.

24. Attached as Exhibit 22 to this transmittal affidavit is a true and correct copy of Plaintiff's Agreed Motion for Extension of Fact Discovery Cutoff for Limited Inquiries by Plaintiff dated November 30, 2018, filed in *Devengoechea v. Bolivarian Republic of Venezuela*, Case No. 12-23743-CIV-HUCK/McALILEY (S.D. Fla.), D.I. 218.

25. Attached as Exhibit 23 to this transmittal affidavit is a true and correct copy of Plaintiff's Unopposed Motion for Extension of Time to Respond to Defendant's Motion for Summary Judgment, in Order to Give Formal Notice to the Guaido Regime of Defendant dated January 19, 2022, filed in *Devengoechea v. Bolivarian Republic of Venezuela*, Case No. 12—CV-23743-HUCK/McALILEY (S.D. Fla.), D.I. 232.

26. Attached as Exhibit 24 to this transmittal affidavit is a true and correct copy of Plaintiff's Motion to Extend Time to Respond to Motion to Dismiss or for Summary Judgment dated April 19, 2023, filed in *Devengoechea v. Bolivarian Republic of Venezuela*, Case No. 12-CV-23743-HUCK/McALILEY (S.D. Fla.), D.I. 262.

27. Attached as Exhibit 25 to this transmittal affidavit is a true and correct copy of a Response to Plaintiff's Motion for Extension of Time dated July 7, 2015, filed in *Devengoechea v. Bolivarian Republic of Venezuela*, Case No. 12-cv-23743-PCH/Otazo-Reyes (S.D. Fla.), D.I. 104.

28. Attached as Exhibit 26 to this transmittal affidavit is a true and correct copy of Plaintiff's Unopposed Motion for Stay of Action Nunc Pro Tunc to Present Date February 27, 2019 in Light of Presidential Sanctions dated February 27, 2019, filed in *Devengoechea v.*

Bolivarian Republic of Venezuela, Case No. 12-23743-CIV-HUCK/McALILEY (S.D. Fla.), D.I. 226.

29. Attached as Exhibit 27 to this transmittal affidavit is a true and correct copy of Plaintiff's Motion to Vacate Administrative Closure of Action and to Restore Action to Active Status by Reason of Defendant Venezuela's Refusal to Consummate Settlement dated November 30, 2021, filed in *Devengoechea v. Bolivarian Republic of Venezuela*, Case No. 12-CV-23743-HUCK/McALILEY (S.D. Fla.), D.I. 229.

I declare under penalty of perjury under the law of the United States of America that the foregoing is true and correct.

Executed this 7th day of February, 2024, in Wilmington, Delaware.



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